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With a Little Help from Our Friends: Enhancing Security by Expanding the Visa Waiver Program

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Protecting America and promoting economic growth and freedom require international partnerships that serve mutual interests. The Visa Waiver Program (VWP) is one example. The VWP enhances security by setting common standards and promotes economic growth and cultural ties. Congress should use the VWP more effectively by giving the Department of Homeland Security (DHS) broader authority to expand the program to other countries.

The Visa Waiver Program.

Established in 1986 to promote better relations with U.S. allies and to allow the Department of State to focus consular resources on other areas, the VWP allows nationals from selected countries to travel to the United States for tourism or business without a visa for up to 90 days. Although these travelers are inspected at U.S. points of entry, they do not undergo the more rigorous background investigations and in-country interviews associated with regular visa applications. To participate in the VWP, a country must at least:

- Offer reciprocal visa-free travel to U.S. citizens;
- Issue machine-readable passports; and
- Have a visa refusal rate of less than 3 percent (i.e., less than 3 percent of non-immigrant U.S. visa applications by its nationals are denied).

Currently, 27 countries participate in the VWP. By law, the DHS and State Department jointly review each participating country's status every two years. Countries can be removed from the program, as Argentina was in February 2002 after an economic crisis led a high percentage of its nationals to overstay the 90-day limit.

Homeland Security Benefits. The VWP is a means of creating security partnerships. By agreeing to common standards and policies, participating countries help to limit illegal entry and unlawful presence in their countries, hindering travel by terrorists and transnational criminals.

In a significant policy move, Congress mandated in 2002 that all VWP participants must have biometric passports. While a machine-readable passport allows agents to verify only a traveler's name, documents containing biometric data allow verification of a person's identity. This will allow U.S. Customs and

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law enforcement to track suspected terrorists from VWP countries.

The Problem. U.S. allies are eager to be admitted to the VWP for both the economic benefits and the symbolic most-favored-nation status. However, although this criterion makes sense, many U.S. allies struggle to meet the third requirement because control lies in the hands of American consular officers who must subjectively decide in a matter of seconds whether or not an applicant deserves a visa. Since September 11, 2001, consular officers have rightly shown an abundance of caution. No one wants to admit the next “9/11” terrorist into America.

Still, this problem needs to be solved. It has created a perception of unfairness and double standards, causing resentment toward the United States. The Poles see that they cannot travel freely to the United States even though Poland sent several thousand troops to Iraq to support the U.S. effort, while the French and Germans, whose governments condemned the war, can travel freely.

The Fix. In the past year, various Members of Congress have introduced legislation to admit Poland and South Korea and other U.S. allies to the VWP, but with no results. Remediating this situation for the sake of homeland security requires a more permanent, decisive action—a change in the visa waiver law.

Specifically, Congress should consider legislation that allows the Secretary of Homeland Security to waive the 3 percent requirement for a country that meets five criteria:

1. The country is of significant geostrategic importance to U.S. security and economic interests.
2. The country proposes measures to assist the United States in combating terrorist and transnational criminal travel.
3. The country is working with other regional partners and the United States on international travel issues related to security and immigration.

4. The country produces a road map demonstrating a good-faith effort to reduce overstays by its nationals in the United States.
5. The country's passports meet congressionally mandated biometric standards.

Each waiver should last for 10 years to allow the country to reduce its overstay rates to acceptable levels. Congress should not authorize any extensions, and it should require the DHS to revoke the waiver if the country fails to implement the five-point plan. These requirements will demonstrate to other countries that the United States is serious.

Candidate Countries. Based on these criteria, six countries could immediately be granted VWP waivers: South Korea, Poland, the Czech Republic, Hungary, the Slovak Republic, and India. All of them are proven friends in the war on terrorism. They also have young, vibrant, growing market economies that are an important part of the rapidly growing global economy that is benefiting both developing and developed democratic nations. Their youth populations want to come to the United States to visit Niagara Falls and get business training, not to settle. Admitting such nations to the VWP now would make America safer and promote economic growth and freedom.

Conclusion. Amending the VWP law to allow for exceptions that help U.S. national security makes sense. On a general level, the Visa Waiver Program is an important means of facilitating friendlier relations with other countries by promoting travel, trade, and the exchange of ideas. On a more strategic level, it is a tool for building partnerships that bolster homeland security, and it should be utilized to its fullest extent. Congress should act now by authorizing the Department of Homeland Security to grant temporary waivers to countries that meet the five criteria.

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